

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

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WHATCOM COUNTY COUNCIL
Regular County Council

March 23, 2004

Council Chair Dan McShane called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Laurie Caskey-Schreiber
Sam Crawford
Seth Fleetwood
Sharon Roy
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

McShane announced there was **discussion with Whatcom County Public Works Director Jeff Monsen regarding a possible land acquisition (AB2004-018)** in executive session during the Committee of the Whole meeting.

McShane announced there was also **discussion with Senior Deputy Prosecutor David Grant regarding BP (AB2004-018)** in executive session during the Committee of the Whole meeting. He recused himself from the discussion regarding BP because it is an issue before the Energy Facility Site Evaluation Council (EFSEC), of which he is a member.

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through four.

Motion carried unanimously.

- 1. COMMITTEE OF THE WHOLE FOR FEBRUARY 24, 2004**
- 2. REGULAR COUNTY COUNCIL FOR FEBRUARY 24, 2004**
- 3. COMMITTEE OF THE WHOLE FOR MARCH 9, 2004**
- 4. REGULAR COUNTY COUNCIL FOR MARCH 9, 2004**

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2
3 **OPEN SESSION**
4

5 The following people spoke:
6

7 Lou Petrouski, Maple Falls, asked that there be some way to know when
8 things come up that affect the Foothills region. They can get the word out so
9 people can come to the Council meeting.

10
11 Caskey-Schreiber stated she's been trying to open up channels of
12 communication. If she sees something of interest, she will call Carol McDonald.
13

14 Christie Lysne, 2472 Northshore Road, stated she wanted to thank the
15 councilmembers who had the courage to speak out about the proposed ban of two-
16 cycle motors on Lake Whatcom at the March 17 multi-jurisdictional meeting. She
17 opposes the ban. Stepping forward was especially courageous given the fact that
18 Mayor Asmundson, City Council President John Watts, and County Council Chair
19 Dan McShane removed the issue from the agenda when they learned that hundreds
20 of voters who oppose the ban planned to attend the meeting. Their commitment to
21 the constituents speaks well of their credibility, integrity, and honesty. Speaking
22 out in light of the Mayor, City Council President, and County Council Chair attempts
23 to manipulate the agenda carried a risk of angering fellow elected officials. She
24 thanked the councilmembers.
25

26 Patrick Strupp, 2352 E. Hemmi Road, submitted (*on file*) and read his letter
27 of testimony. The number of Washington State citizens per legislator has risen
28 since 1890, which is taxation without representation. The U.S. is the only
29 industrialized country in the world without a health plan. The U.S. spends too much
30 on defenses. Reconsider the 14th Amendment. It needs to be contested. There
31 are not enough legislators to represent all the voters.
32

33 Carole MacDonald, 8174 Mt. Baker Highway, Economic Development
34 Association for the Foothills area, stated this organization was formally known as
35 the Mt. Baker Steering Committee. It now has bylaws, is registered with the State
36 as a not-for-profit, and is in the process of getting it's designation as a 501(c)(3).
37 The purpose is to study what they have in the Foothills now and decide on,
38 prioritize, and implement actions in concert with the Comprehensive Plan. Their
39 committees are on topics that include infrastructure, tourism and marketing, trails
40 and parks, sustainability, and the mission and vision statement. Stakeholders who
41 attend include representatives from many agencies and branches of local
42 government. This is a non-membership group. They encourage everyone from the
43 community to come to the table. They meet on the third Wednesday of every
44 month at the Mt. Baker High School administration building from 1:00 p.m. to 3:00
45 p.m.
46

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1 Michelle Luke, Lummi Island, submitted (*on file*) and read from her letter of
2 testimony regarding her organization Concerned About Lummi Island Growth
3 Management (CALIGM). Her group was formed to include those not happy with the
4 Lummi Island Planning Committee (LIPC). They have concerns with the proposed
5 subarea plan for Lummi Island. Many people signed a petition opposed to the draft
6 plan. Her group submitted questions about the plan to the LIPC, Planning
7 Department, and Planning Commission.
8

9 Bill Grant, 1102-7806 Birch Bay Drive, Birch Bay Steering Committee
10 Chairman, stated he was disappointed that the Birch Bay Subarea Plan was put off
11 for another month in committee. They need it approved. Second, he was
12 disappointed that the proposal put forward by Sharon Roy about reducing road level
13 of service was reduced. Third, it's important to not simply decide based on attitude
14 that urban growth areas are too large. Look at what's in the areas, such as
15 wetlands, acreage, and parks. It's critically important that there is enough land to
16 hold all the infrastructure for the next 20 years. It's very important to recognize
17 that certain areas are fully developed as leisure parks. Listen to what Sharon Roy
18 said that many years and thousands of dollars were put into the draft plan. Now,
19 personal attitudes are having an impact on it. The difference between the
20 commercial nodes is five minutes of driving time. The people who work in Birch
21 Bay can't afford the housing in Birch Bay. They live in the recreational vehicle (RV)
22 parks. Include affordable and multi-family housing.
23

24 Art Thomas, 2620 Island View, Lummi Island, stated there is a lack of a
25 transportation element in Lummi Island Subarea Plan. The blame lands on the
26 Planning Committee for the plan. He was asked to be the chair of the
27 Transportation subcommittee for the Lummi Island Planning Committee. They held
28 several monthly meetings. However, the Lummi Island Planning Committee did not
29 allow the Transportation Subcommittee recommendations to be discussed. The
30 blame for lack of a transportation element lies solely on a few committee members
31 who selfishly wanted to use it to control growth. He took the information his
32 subcommittee gathered, approached another island committee, and approached the
33 County. The County prepared a short survey of the community members what they
34 want for transportation. The transportation element will complement the land use
35 plan as soon as the Public Works Department and County Planning Department can
36 work with the transportation subcommittee.
37

38 Linda Tucker, 4371 Bay Road, Blaine, stated she is against extending the
39 urban growth area boundary in Birch Bay at Alderson Road and Blaine Road. She is
40 also opposed to Ellen Shea's project for the spa.
41

42 Bob Wiesen, 3314 Douglas Road, Ferndale, stated he would like a report on
43 how the Council is facilitating the BP co-generation issue.
44

45 McShane stated it is not an issue before the Council tonight. It was before
46 the Committee of the Whole and discussed in executive session. He's not aware of
47 the discussion that was held because he did not participate. Wiesen asked if the

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1 general public understands the position the County is taking on that facility. He
2 asked if they remember the Port's report on the clusters of industries that could
3 possibly be in Whatcom County. There's not many they can attract. However they
4 do have one of those clusters, and it is the highest paying industry of them all.
5
6

7 **PUBLIC HEARINGS**

8 9 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.24, FRANCHISE 10 REQUIREMENTS (AB2004-114)**

11
12 McShane opened the public hearing and, hearing no one, closed the public
13 hearing.
14

15 ***Brenner moved*** to adopt the ordinance.
16

17 Crawford asked for a staff report. He's not clear why they need to update it.
18

19 Dana Brown-Davis, Clerk of the Council, responded (*inaudible*).
20

21 ***Motion carried unanimously.***
22
23

24 **CONSENT AGENDA**

25
26 ***Crawford*** reported for the Finance and Administrative Services Committee
27 and ***moved*** to approve Consent Agenda items one through four.
28

29 ***Motion to approve the Consent Agenda carried unanimously.***
30

31 **1. RESOLUTION SETTING HEARING AND NOTICE OF HEARING ON THE 32 SALE OF COUNTY TAX TITLE PROPERTY BY PUBLIC AUCTION, 33 REQUEST NUMBER 01-04 (AB2004-141)**

34 35 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A 36 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND EES 37 CONSULTING, INC. TO ASSIST LEAD ENTITY IN COORDINATING AND 38 FACILITATING LOCAL REVIEW AND RANKING PROCESS FOR ALL 39 SALMON HABITAT PROJECTS TO BE SUBMITTED TO THE SALMON 40 RECOVERY FUNDING BOARD, IN THE AMOUNT OF \$47,333 (AB2004- 41 142)**

42 43 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A 44 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND VP 45 CONSULTING, INC., TO IMPLEMENT A COUNTY-WIDE DOCUMENT 46 IMAGING SYSTEM, IN THE AMOUNT OF \$257,000 (AB2004-143)** 47

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1 **4. RESOLUTION SUPPORTING FAIR HOUSING IN WHATCOM COUNTY**
2 **(AB2004-144)**
3
4

5 **OTHER ITEMS**
6

7 **1. PRESENTATION, DISCUSSION, AND APPROVAL OF**
8 **RECOMMENDATIONS OF THE FINAL DRAFT OF THE SALMON**
9 **RECOVERY INTERLOCAL AGREEMENT BETWEEN THE LUMMI NATION,**
10 **NOOKSACK TRIBE, WASHINGTON STATE DEPARTMENT OF FISH AND**
11 **WILDLIFE, WHATCOM COUNTY, AND THE CITIES OF BELLINGHAM,**
12 **BLAINE, EVERSON, FERNDALE, LYNDEN, NOOKSACK, AND SUMAS**
13 **(AB2004-115)**
14

15 *Roy* reported for the Natural Resources Committee and *moved* to approve
16 recommendations of the interlocal agreement.
17

18 ***Motion carried 6-1 with Crawford opposed.***
19

20 **2. JONES CREEK DEBRIS FLOW STUDY PRESENTATION AND**
21 **DISCUSSION OF MITIGATION OPTIONS AND POTENTIAL LAND USE**
22 **IMPLICATIONS (AB2004-140)**
23

24 Roy reported for the Natural Resources Committee.
25

26 Crawford stated the committee's action was to agree to the overall direction,
27 and send it to the Flood Control Zone District Advisory Board, which would develop
28 specific recommendations for the area and send them to the County Council.
29

30 **3. ORDINANCE AMENDING THE 2004 BUDGET, THIRD REQUEST**
31 **(AB2004-138)**
32

33 *Crawford* reported for the Finance and Administrative Services Committee
34 and *moved* to adopt the ordinance.
35

36 ***Motion carried unanimously.***
37

38 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.44 TO CLARIFY**
39 **PROCEDURES FOR FILING OF APPLICATION SUMMARIES AND OTHER**
40 **MISCELLANEOUS CLARIFICATIONS (AB2004-104)**
41

42 Brenner reported for the Public Works and Safety Committee and stated this
43 item was amended and will be scheduled for a public hearing on April 6.
44

45 **5. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN (AB2004-**
46 **121)**
47

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1 Fleetwood reported for the Planning and Development Committee and stated
2 this item is held in committee.
3

4 **6. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
5 **PLAN TEXT AND MAP REGARDING THE BIRCH BAY URBAN GROWTH**
6 **AREA (AB2004-122)**
7

8 McShane stated this item is held in committee.
9

10
11 **INTRODUCTION**
12

13 *McShane moved* to accept the Introduction Items, including the addendum.
14

15 *Motion carried unanimously.*
16

- 17 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 1.08.060,**
18 **INITIATIVE, REFERENDUM, AND RECALL – FORM OF PETITION**
19 **(AB2004-145)**
20
21 **2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
22 **MAP FROM POINT ROBERTS TRANSITIONAL ZONE (TZ) TO**
23 **RESIDENTIAL RURAL – 1 DWELLING PER ACRE (RR1) FOR**
24 **APPROXIMATELY EIGHT ACRES (AB2004-146)**
25
26 **3. ORDINANCE ADOPTING A REVISED LUMMI ISLAND SUBAREA PLAN**
27 **WITH REVISIONS TO CHAPTER 20.34 OF THE WHATCOM COUNTY**
28 **ZONING ORDINANCE (AB2004-147)**
29
30 **4. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION,**
31 **REQUEST NUMBER 01-04 (AB2004-141A)**
32

33 **Addendum**
34

- 35 **5. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.44 TO CLARIFY**
36 **PROCEDURES FOR FILING OF APPLICATION SUMMARIES AND OTHER**
37 **MISCELLANEOUS CLARIFICATIONS (AB2004-104)**
38
39

40 **OTHER BUSINESS**
41

42 *(Clerk's Note: End of tape one, side A.)*
43

44 McShane stated they need another public hearing at 5:30 p.m. on April 13 in
45 the County Council Chambers to hear public comments on the Lummi Island
46 Subarea Plan.
47

1
2 **OTHER ITEMS**

3
4 **Addendum:**

5
6 **7. RESOLUTION SUPPORTING WHATCOM COUNTY'S CONTRACTUAL**
7 **RIGHTS IN THE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
8 **WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES**
9 **(AB2004-149)**

10
11 **McShane** stated this is very similar to a resolution the Council passed a few
12 weeks ago. It puts emphasis on an interagency agreement from 1992. This issue
13 will be before the Board of Natural Resources in one week. He'd like the Board to
14 receive this resolution before its decision. They expect that the County's
15 contractual right will be fulfilled.

16
17 Nelson asked if legal counsel reviewed the resolution.

18
19 McShane stated legal counsel reviewed the resolution and made suggestions
20 for changes. The first resolved statement was kept as it is and not changed per
21 legal counsel recommendation. He wanted to keep the language broad. The
22 County and State Department of Natural Resources (DNR) is to initiate a joint
23 planning process to promote a formal forest management plan for public lands in
24 the Lake Whatcom watershed to accomplish County and DNR goals. He ***moved***
25 approval.

26
27 ***Motion carried unanimously.***

28
29
30 **OTHER BUSINESS**

31
32 Crawford stated he and Councilmember Brenner have a vacancy on their
33 committees created by Councilmember Nelson's Army service.

34
35 ***Caskey-Schreiber nominated*** Councilmember McShane to serve on the
36 Finance Committee and Public Works Committee, to replace Councilmember Nelson.

37
38 ***Nomination of McShane to the Finance Committee and Public Works***
39 ***Committee carried unanimously.***

40
41 McShane stated Councilmember Nelson's position on the Public Health
42 Advisory Board needs to be filled also.

43
44 ***McShane moved*** to appoint Councilmember Caskey-Schreiber to the Public
45 Health Advisory Board.

46
47 ***Motion carried unanimously.***

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REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

There were no reports or other items.

ADJOURN

The meeting adjourned at 7:58 pm.

Jill Nixon, Minutes Transcription

The Council approved these minutes on April 6, 2004.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair